

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:09-CV-387-RJC-DCK**

**U.S. COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

v.

**CAPITAL STREET FINANCIAL LLC, and
SEAN F. MESCALL,**

Defendants, and

**GERALD T. MESCALL, and
GAINCAPITAL, INC.,**

Relief Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on the “First Motion For Compensation To Edward P. Bowers & Middleswarth, Bowers & Company As Accountants For Temporary Receiver” (Document No. 67) filed on December 2, 2010. The motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and is ripe for disposition. Having fully considered the record, including the motion and itemized list of services, the undersigned finds as follows:

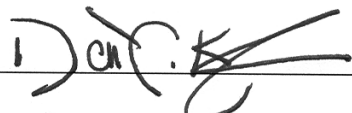
This Court appointed Joseph W. Grier, III, as Receiver for the assets of CapitalStreet Financial, LLC, Sean Mescall, Gerald Mescall, and Gaincapital, Inc. on September 16, 2009. (Document No. 14). The Receiver is authorized to “[c]hoose, engage and employ attorneys, accountants, appraisers, and other independent contractors and technical specialists, as the Receiver deems advisable or necessary in the performance of his duties and responsibilities.” (Document No. 14, ¶ 29(I)). Edward P. Bowers and Middleswarth, Bowers & Company have rendered valuable

services to the Receiver during this civil proceeding. The reasonable value of the services, as set forth in the itemized list attached to the motion, is \$3,259.25. (Document No. 67 Exhibit A). Edward P. Bowers and Middleswarth, Bowers & Company have also included expenses in the amount of \$54.00, and preparation of final Forms 1120SF tax returns and related accounting for \$1,500.00; therefore seeking for a total fees and disbursements of \$4,813.25. Id.

The Receiver served a “Notice Of Motion For Compensation To Grier, Furr & Crisp, PA., Attorneys For Temporary Receiver; Motion For Compensation To Edward P. Bowers, Accountant For Receiver; And Receiver’s Seventh Report” upon the parties as required by law. (Document No. 67-1). The Notice required that responses to the motion be filed with the Court on or before **January 3, 2011**. No responses to the pending motion have been filed.

IT IS, THEREFORE, ORDERED that the “First Motion For Compensation To Edward P. Bowers & Middleswarth, Bowers & Company As Accountants For Temporary Receiver” (Document No. 67) is **GRANTED**.

Signed: January 4, 2011



David C. Keesler
United States Magistrate Judge

